

ORDINANCE NO. 550

AN ORDINANCE REPEALING SECTIONS 14-14, 14-15, 14-16, 14-17 AND 14-18 OF THE LAS ANIMAS CITY CODE ESTABLISHING FEES FOR LIMITED GAMING DEVICES.

WHEREAS, the City Council of the City of Las Animas has determined that in order to provide a portion of the funds essential to offset the impact of limited gaming on the City's public works, public safety, and utilities services, as well as regulatory costs, and to promote the public health, safety, welfare, and prosperity, it is necessary to establish a gaming device fee for such devices used within the city limits of the City of Las Animas; and

WHEREAS, the Las Animas City Code prohibits gambling of any kind in Sections 14-14, 14-15, 14-16, 14-17 and 14-18; and

WHEREAS, statewide and local public elections may legalize gambling in the City and if such is the case, the City Council wishes to specifically repeal such sections; and

WHEREAS, pursuant to Colorado Revised Statutes Section 31-15-301, et. seq., Section 31-15-401, et. seq. and Section 31-15-501, et. seq., the City has the authority to establish fees and to license and regulate various businesses located within the City limits.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAS ANIMAS:

SECTION I. PURPOSE

The purpose of this Ordinance is to promote the public health, safety, welfare and prosperity of the citizens of the City by:

Creating a gaming device fee to counterbalance the impact of limited gaming on the City's public works, public safety, utilities services and regulatory costs.

SECTION II. DEFINITIONS

1. "Annual gaming device fee" means the gaming device fee due and payable in advance of a fee year as defined herein.

2. "Blackjack" means a banking card game commonly known as "21" or "blackjack" played by a maximum of seven players in which each player bets against the dealer. The object is to draw cards whose value will equal or approach twenty-one without exceeding that amount and win amounts bet, payable by the dealer, if the player holds cards more valuable than the dealer's cards.

3. "City" means City of Las Animas, Colorado.

4. "City Council" means the City Council for the City of Las Animas, Colorado.

5. "Fee Year" means the period of time July 1 of one calendar year through June 30 of the succeeding calendar year.

6. "Gaming device" or "gaming equipment" or "device" means any equipment or mechanical, electromechanical, or electronic contrivance, component, or machine used remotely or directly in connection with gaming or any game. The term includes a system for processing information which can alter the normal criteria of random selection which affects the operation of any game, or which determines the outcome of a game. The term includes a slot machine, poker table, blackjack table, and the cards used to play poker and blackjack as well as any other gaming device authorized or approved and as defined by the State of Colorado.

7. "Gaming device fee" means the fee, as set by the City Council from time to time for the use and operation of a gaming device within the city limits.

8. "Gaming establishment" means any establishment formed and properly licensed by the State of Colorado, for the purpose of engaging in limited gaming or activities related to limited gaming in the city limits of the City of Las Animas.

9. "Initial gaming device fee" means the gaming device fee due and payable prior to a gaming device being placed into service.

10. "Licensee" means any person licensed to operate a gaming establishment within the city limits of the City of Las Animas, pursuant to the laws of the State of Colorado, rules and regulations of the Colorado Gaming Commission, and pursuant to the Ordinances of the City of Las Animas.

11. "Limited gaming" means the use of slot machines, and the card games of blackjack and poker, as well as any other gaming device authorized or approved and as defined by the State of Colorado, each having a maximum single bet of five dollars, or as set by state statute.

12. "Person" means an individual, partnership, business trust, government, governmental subdivision or agency, estate, association, trust, for profit corporation, nonprofit corporation, organization, or any other legal entity or a manager, agent, servant, officer, or employee thereof.

13. "Poker" means a card game played by players who are dealt cards by a nonplayer dealer. The object of the game is for each player to bet the superiority of each player's hand and win the other players' bets by either making a bet no other player is willing to match or proving to hold the most valuable cards after betting is over. Poker includes, but is not limited to, draw, stud, low ball, or any combination thereof.

14. "Premises" means all land and building(s) associated with gaming establishment.

15. "Slot machine" means any mechanical, electrical, video, electronic, or other device, contrivance, or machine which, after insertion of a coin, token, or similar object, or upon payment of any required consideration whatsoever by a player, is available to be played or operated, and which, whether by reason of the skill of the player or application of the element of chance, or both, may deliver or entitle the player operating the machine to receive cash premiums, merchandise, tokens, redeemable game credits, or any other thing of value other than unredeemable free games, whether the payoff is made automatically from the machines or in any other manner.

SECTION III. ESTABLISHMENT AND PAYMENT OF GAMING DEVICE FEE

1. For each and every gaming device located within the City, the Licensee of the gaming establishment where a gaming device is to be located shall pay, in certified funds, an annual gaming device fee in the amount of \$600.00 per fee year for each gaming device placed in service on the premises of the gaming establishment. Such fee shall be in effect until July 1 of the year following the City election which approves gaming for the City. The gaming device fee for the second year following said election shall be \$850.00. The gaming device fee for the third year following said election shall be \$1,100.00. Fees for subsequent years shall be set by the City Council by resolution.

2. The initial gaming device fee is payable, in certified funds, no less than three (3) business days prior to a gaming device being placed in service, and shall not be refunded by the City for any reason.

3. The initial gaming device fee is payable no less than three (3) business days prior to the replacement of one kind of gaming device with another kind of gaming device.

4. The initial gaming device fee shall be prorated on a monthly basis if the payment due date falls on a date other than July 1 of any given year.

5. After the payment of the initial gaming device fee, the annual gaming device fee for the fee year shall be due and payable no later than July 1 of each succeeding year thereafter. Each annual gaming device fee is payable in advance of any given fee year and shall not be refunded by the City for any reason, including those situations where a gaming device is removed from service during the fee year.

SECTION IV. ADMINISTRATION AND ENFORCEMENT

1. The City Treasurer or her/his designated agent are hereby authorized and given the authority to enforce the provisions and requirements of this Ordinance.

2. On or before June 1 of each calendar year, each and every licensee within the city limits of the City of Las Animas shall

provide the following information to the City Treasurer or her/his designated agents:

(a) A list of the serial number of each gaming device located on the premises of their establishment.

(b) The description of each gaming device and its physical location on the premises of the establishment.

(c) The name, title, address, and telephone number of the individual authorized to act on behalf of the gaming establishment to resolve any gaming device fee issues with the City.

3. The licensee of a new gaming establishment shall provide the information required at part 2. of this Section IV no less than thirty days prior to opening for business or placing any gaming device into service.

4. The information required at part 2. of this Section IV shall be reported at the time the initial gaming device fee is paid.

5. The information required at part 2. of this Section IV shall be reported for any gaming device replaced by another device, including the same information for the replacement device, and/or any device taken out of service.

6. In the event of a reduction in the number of gaming devices located on the premises of a gaming establishment during any fee year, the gaming device fee shall not be refunded. The City Treasurer or her/his designated agents shall be notified of any gaming device to be added during a fee year and the appropriate initial gaming device fee shall be paid no less than three (3) business days prior to the device(s) being placed into service.

7. Collection of any unpaid gaming device fees shall be made pursuant to the appropriate laws of the State of Colorado.

8. In the event the Treasurer or her/his designated agents discover that the information provided by a licensee regarding the number of gaming devices located on the premises of a gaming establishment is false, or materially misleading, the penalties, notice, and hearing provisions, of gaming licensure ordinance of the City shall apply.

SECTION V. REPEALER

1. All ordinances or parts of ordinances in conflict with this ordinance including, but not limited to, Sections 14-15, 14-16, 14-17 and 14-18, are hereby repealed.

2. In the event that limited gaming is not approved by the electors of the City of Las Animas by no later than May 1, 1993, this ordinance shall be automatically repealed on that same date.

SECTION VI. SEVERABILITY

Should any section, clause, or provision of the ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION VII. EMERGENCY ORDINANCE

The City Council of the City of Las Animas, Colorado, hereby finds, determines and declares that an emergency exists and that this Ordinance is necessary for the immediate preservation of the public health or safety and the same shall be in full force and effect after publication and final passage as provided by law.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED, on first reading, this 6th day of October, 1992.

ADOPTED on second reading and ORDERED PUBLISHED by title only this 27th day of October, 1992.



KEITH E. VARNER, Mayor

ATTEST:



LESLIE UNCEL, City Clerk





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